

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>E3 BIOFUELS, LLC,</b>	)	<b>CASE NO. 8:11CV43</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>DILLING MECHANICAL</b>	)	
<b>CONTRACTORS, INC., and</b>	)	
<b>HAWTHORNE-SERVING, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the Court on the Plaintiff's Motion to Dismiss Party Hawthorne Serving, Inc., Only, With Prejudice (Filing No. 53). The Plaintiff has entered into a settlement agreement with Defendant Hawthorne-Serving, Inc., and requests that Hawthorne-Serving, Inc., be dismissed from this action, with prejudice. Under Federal Rule of Civil Procedure 41(a)(2), the Court finds the Plaintiff's Motion should be granted, and the claims asserted against Defendant Hawthorne-Serving, Inc., should be dismissed, with prejudice.

Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion to Dismiss Party Hawthorne Serving, Inc., Only, With Prejudice (Filing No. 53) is granted; and
2. The Plaintiff's claims against Defendant Hawthorne Serving, Inc., are dismissed, with prejudice, and the Clerk is instructed to remove Hawthorne Serving, Inc., from the case caption.

DATED this 12<sup>th</sup> day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge